

85<sup>th</sup> Legislative Session – 2010

Committee: House Judiciary

Friday, January 22, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Engels  
E Feinstein  
P Gibson  
P Gosch  
P Hamiel  
P Hoffman  
P Hunt, Vice-Chair  
P Killer  
P Lust  
P Moser  
P Schlekeway  
E Turbiville  
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, JANUARY 20, 2010.

Moved by: Hunt  
Second by: Hoffman  
Action: Prevailed by voice vote.

HB 1019: revise certain provisions regarding the requirements for notarizing documents.

Presented by: Chris Nelson, Secretary of State

MOTION: SUBSTITUTE MOTION DO NOT PASS HB 1019

Moved by: Gosch  
Second by: Turbiville  
Action: Withdrawn.

MOTION: DEFER HB 1019 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Gosch  
Second by: Lust  
Action: Prevailed by roll call vote. (10-1-2-0)

Voting Yes: Engels, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Cutler

Voting No: Gibson

Excused: Feinstein, Turbiville

HB 1063: repeal the responsibility of the attorney general to fix certain liability insurance limits for sheriffs.

Presented by: Marty Jackley, Attorney General  
Proponents: Dick Tieszen, SD Sheriff's Association

MOTION: DO PASS HB 1063

Moved by: Hamiel  
Second by: Gibson  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Engels, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Cutler

Excused: Feinstein, Turbiville

HB 1064: establish a process for persons rendering emergency aid to require testing for blood-borne pathogens.

Presented by: Marty Jackley, Attorney General  
Charlie McGuigan, Office of the Attorney General  
Proponents: Dave Gerdes, SD State Medical Association  
Steve Willard, SD Joint Fire Council  
Bob Miller, SD Funeral Directors

MOTION: AMEND HB 1064

1064ra

On page 4, after line 5 of the printed bill, insert:

" Section 3. That § 23A-35B-5 be amended to read as follows:

23A-35B-5. All persons involved in carrying out the provisions of this chapter shall act in a manner that will protect the confidentiality of the victim, the source individual, and the defendant or juvenile, including sealing relevant court records. The results of the test for infection by blood-borne pathogens may not be used to establish a defendant's guilt or innocence of the charge and may not be used to determine a juvenile's status as a delinquent child."

Moved by: Hunt  
Second by: Gosch  
Action: Prevailed by voice vote.

MOTION: AMEND HB 1064

1064oa

On page 2, between lines 5 and 6 of the printed bill, insert:

"

(c) A person employed as a coroner or a funeral director;".

On page 2, line 6, delete "(c)" and insert "(d)".

On page 2, line 8, delete "(d)" and insert "(e)".

Moved by: Engels  
Second by: Gibson  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1064 AS AMENDED

Moved by: Schlekeway  
Second by: Gosch  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Engels, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Cutler

Excused: Feinstein, Turbiville

MOTION: AMEND TITLE OF HB 1064

1064rta

On page 1, line 2, of the printed bill, after "pathogens" insert "and to provide for the confidentiality of the source individual".

Moved by: Gibson  
Second by: Killer  
Action: Prevailed by voice vote.

HB 1065: establish quarterly escrow payments by nonparticipating tobacco manufacturers.

Presented by: Marty Jackley, Attorney General

MOTION: DO PASS HB 1065

Moved by: Gosch  
Second by: Schlekeway  
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Engels, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Cutler

Excused: Feinstein, Turbiville

MOTION: PLACE HB 1065 ON CONSENT CALENDAR

Moved by: Engels  
Second by: Gibson  
Action: Prevailed by voice vote.

HB 1062: provide for certain mandatory training for county coroners.

Presented by: Marty Jackley, Attorney General

Opponents: Representative Bill Van Gerpen

THE CHAIR DEFERRED HB 1062 UNTIL WEDNESDAY, JANUARY 27, 2010.

MOTION: ADJOURN

Moved by: Moser

Second by: Hunt

Action: Prevailed by voice vote.

Linda Daugaard  
Committee Secretary

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Joni M. Cutler, Chair